

EXECUTIVE ORDER NO.

2023-38

WHEREAS, on October 14, 2022, the undersigned issued Executive Order No. 2022-32, suspending Earl Morell from office as a member of the Town Council of the Town of Allendale, pursuant to article VI, section 8 of the South Carolina Constitution, following notification of his indictment by a Grand Jury convened in Allendale County with one count of Criminal Sexual Conduct with a Minor, Second Degree, in violation of section 16-3-655(B)(1) of the South Carolina Code of Laws, as amended; and

WHEREAS, in accordance with article VI, section 8 of the South Carolina Constitution, the undersigned's suspension of Earl Morell was effective immediately and "until such time as he shall be formally acquitted or convicted or until a successor is elected and qualifies as provided by law, whichever event occurs first"; and

WHEREAS, the Office of the Solicitor for the Fourteenth Judicial Circuit recently notified the undersigned that on October 23, 2023, Earl Morell pleaded guilty to one count of Criminal Sexual Conduct with a Minor, Third Degree, in violation of section 16-3-655(C) of the South Carolina Code of Laws, as amended; and

WHEREAS, article VI, section 8 of the South Carolina Constitution provides, in relevant part, that "[a]ny officer of the State or its political subdivisions . . . who has been indicted by a grand jury for a crime involving moral turpitude . . . may be suspended by the Governor until he shall have been acquitted" and "[i]n case of conviction the office shall be declared vacant and the vacancy filled as may be provided by law"; and

WHEREAS, in accordance with section 5-7-200 of the South Carolina Code of Laws, as amended, "[a] mayor or councilman shall forfeit his office if he . . . is convicted of a crime involving moral turpitude," and the resulting vacancy in office "shall be filled for the remainder of the unexpired term at the next regular election or at a special election if the vacancy occurs one hundred eighty days or more prior to the next general election"; and

WHEREAS, under South Carolina law, moral turpitude “implies something immoral in itself, regardless of whether it is punishable by law as a crime,” involves “an act of baseness, vileness, or depravity in the private and social duties which a man owes to his fellow man, or to society in general, contrary to the accepted and customary rule of right and duty between man and man,” or otherwise includes conduct “contrary to justice, honesty[,] and good morals,” *State v. Horton*, 271 S.C. 413, 414–15, 248 S.E.2d 263, 263–64 (1978); *see also Baddourah v. McMaster*, 433 S.C. 89, 112, 856 S.E.2d 561, 573 (2021) (“Under South Carolina’s moral turpitude framework, we focus ‘primarily on the duty to society and fellow man [that] is breached by the commission of the crime.’”); and

WHEREAS, upon consideration of the circumstances presented, the undersigned has determined that Earl Morell pleaded guilty to “a crime involving moral turpitude” for purposes of article VI, section 8 of the South Carolina Constitution, *see State v. McFarlane*, 279 S.C. 327, 332, 306 S.E.2d 611, 614 (1983) (“criminal sexual conduct with a minor in any degree is a crime of moral turpitude”); and

WHEREAS, for the foregoing reasons, and in accordance with article VI, section 8 of the South Carolina Constitution and other applicable law, the office and seat previously held by Earl Morell on the Town Council of the Town of Allendale shall be declared vacant and the vacancy filled as may be provided by law.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby declare vacant the office and seat previously held by Earl Morell on the Town Council of the Town of Allendale and said vacancy shall be filled as provided by law. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 25th DAY OF
OCTOBER, 2023.**

HENRY MCMASTER
Governor

ATTEST:

MARK HAMMOND
Secretary of State